



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,299	12/08/2000	Edgar E. Blanco	BELL-0022/99206	2989

38952 7590 04/06/2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

STIMPAK, JOHNNA

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,299

Applicant(s)

BLANCO, EDGAR E.

Examiner

Johnna R Stimpak

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action upon examination of application number 09/733,299. Claims 1-19 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments, filed 12/23/04, with respect to the rejection(s) of claim(s) 1-19 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

3. Applicant's arguments, with respect to rejections under 35 USC 101 have been fully considered and are persuasive. The rejection under 35 USC 101 of claims 1, 2 and 5-19 has been withdrawn.

Claim Objections

4. Claims 2-15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. As amended, claim 1 now recites a computer-readable medium having stored thereon computer-executable instruction. Claims 2-5 are directed to a forecasting tool.

5. Claims 17-19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

Art Unit: 3623

claim(s) in independent form. As amended, claim 16 now recites a computer-readable medium having stored thereon computer-executable instruction. Claims 17-19 are directed to a method.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by the term instantiate. In light of the specification, it seems that any computer application instantiated on any computer system may be employed to carry out the forecasting tool. Therefore, for examination purposes, it is construed that a user, using any well-known database application such as Microsoft Excel, creates these tables manually.

8. Claims 2-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As amended, claim 1 now recites a computer-readable medium having stored thereon computer-executable instruction. Claims 2-5 are directed to a forecasting tool, thereby switching statutory classes.

9. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As amended, claim 16 now recites a computer-readable medium having stored

Art Unit: 3623

thereon computer-executable instruction. Claims 17-19 are directed to a method, thereby switching statutory classes.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleditsch et al, US 6,415,195 in view of Microsoft Excel spreadsheets.

As per **claim 1**, Gleditsch et al teaches a computer system with software programming an algorithm for forecasting and databases including project information for each project including a reference to items to be employed in connection with the project (column 3 line 50 – column 4, line 33 – method to determines daily demand for manufacturing resources based on customer orders and predefined parameters related to the manufacturing resources) and item information including a references to an algorithm to determine a quantity of the item for a project (column 3 line 50 – column 4, line 33 – the method provides a projection of demand on manufacturing resources; column 8, lines 41-51 – the method uses a smoothing process that comprises a computer and software programming an algorithm for smoothing the demand for the resources for a product over time) but does not explicitly teach compiling the information into tables. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to

Art Unit: 3623

store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using predetermined formulas and algorithms. The use of Microsoft Excel spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

As per **claim 2**, Gleditsch et al teaches the quantifiable items are selected from group consisting of parts, materials, equipment, labor, time, and combinations thereof (column 5, lines 32-37 – resources include raw materials, machine or production line time, shift worker hours, other labor, space, power or any other quantity whose constraint affects the ability to accept orders for the delivery of goods or services).

As per **claim 3**, Gleditsch et al teaches the database tables are distributed across several computers (column 4, lines 20-33 – the system is linked to various controlling mechanisms in the process such as an ordering system of suppliers or customers).

As per **claim 4**, Gleditsch et al teaches a database server for controlling and coordinating the database (column 4, lines 20-33 and column 8, lines 41-51 – the computer system including a database is linked to various controlling mechanisms in the process as well as to ordering systems, inherently a server is used to store the data for retrieval by the entities involved).

As per **claim 5**, Gleditsch et al teaches the project information further includes an identification of a project-type of the project, the tables further comprising a project-type table having project-type information for each project-type referenced by the project table, the project-type information including each item to be employed in connection with the project-type (column 4, lines 20-33 – the database stores predefined parameters in connection with each

Art Unit: 3623

project for allocation of resources; column 3 line 50 – column 4, line 33 – method to determines daily demand for manufacturing resources based on customer orders and predefined parameters related to the manufacturing resources).

As per **claim 6**, Gleditsch et al teaches the project information further includes at least one milestone date for the project, the tables further comprising a milestone table having milestone information for each milestone date referenced by the project table, the milestone information including at least one key project moment to which a need for an item for the project is referenced (column 3, lines 61-67 – calculates when certain amounts of materials or other resources will be needed based on orders and determines the date when the materials need to be purchased from the supplier).

As per **claim 7**, Gleditsch et al teaches the item information further includes a reference to the milestone information in the milestone table and information on how to calculate a date when the item is required based on the milestone information (column 3, lines 61-67 – calculates when certain amounts of materials or other resources will be needed based on orders and determines the date when the materials need to be purchased from the supplier).

As per **claim 8**, Gleditsch et al teaches the item information further includes an identification of at least one supplier, the tables further comprising a supplier table having supplier information for each supplier referenced by the item table, the supplier information including the items supplied by the supplier and information for each supplied item (column 4, lines 20-33 – the computer system is linked to the suppliers for generating purchasing orders for more materials).

Art Unit: 3623

As per **claim 9**, Gleditsch et al teaches the information for each supplied item is selected from a group consisting of lead-time necessary for supplying the item but does not explicitly teach item prices, and capacity for supplying the item. Official notice is taken that it would have been obvious to one of ordinary skill in the art to also include item prices and capacity for supplying the item when ordering supply from a supplier because it is old and well known in the art of supply and demand to factor in such things as cost and availability to ensure that a company is getting what it needs in the most beneficial way possible. For example, when evaluating the order of supplies it is always important to factor in cost, lead-time and availability to ensure the production schedule will face a set back thereby leading to a more efficient production schedule.

As per **claim 10**, Gleditsch et al teaches the algorithm information for each algorithm is selected from a group consisting of: algorithm information that calculates a quantity of an item based on a mathematical calculation and data available from the tables of the databases; algorithm information that calculates a quantity of an item based on a quantity calculated for another item; algorithm information that refers to a lookup table; and combinations thereof (column 3 line 50 – column 4, line 33 – the method provides a projection of demand on manufacturing resources; column 8, lines 41-51 – the method uses a smoothing process that comprises a computer and software programming an algorithm for smoothing the demand for the resources for a product over time; column 12, lines 15-32 – an example of how the algorithm works as orders come in and how the system is able to calculate based on time and demand for each project).

As per **claim 11**, Gleditsch et al teaches storing information based on demand for items (column 4, lines 20-33 – database stores information for customer orders and generates reports of resource allocation).

As per **claim 12**, Gleditsch et al teaches storing project information, items for the project and the amount of the item required for the project (column 3, lines 50-67 and column 4, lines 6-33 – system stores project information and determines amount of item required for the project).

As per **claim 13**, Gleditsch et al teaches storing information including the date when the item is needed for the project (column 3, lines 50-67 – system calculates when materials are needed based on orders and determines the date when supplies must be ordered).

As per **claim 14**, Gleditsch et al teaches storing information including the date when the item is needed for the project (column 3, lines 50-67 – system calculates when materials are needed based on orders and determines the date when supplies must be ordered).

As per **claim 15**, Gleditsch et al teaches information including a supplier the item is to be ordered from (column 3, lines 60-67 – suppliers are inherently identified since the lead time associated with the supplier is used to order the needed materials).

As per **claims 11-15**, Gleditsch et al teaches the determinations of the amount of resources assigned to a task but does not explicitly teach populating a requirements table with the information. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using

Art Unit: 3623

predetermined formulas and algorithms. The use of Microsoft Excel spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

As per **claim 16**, Gleditsch et al teaches the project information including a reference to items to be employed in connection with the project, determining an item needed for a project; the item information including a reference to an algorithm to be employed to determine a quantity of the item for a particular project, determining an algorithm necessary to determine a quantity of the needed item; determining specifics of the necessary algorithm; from each table as necessary, obtaining any inputs necessary for the algorithm; and applying the inputs to the algorithm to determine the quantity of the needed item (column 3 line 50 – column 4, line 33 – method to determines daily demand for manufacturing resources based on customer orders and predefined parameters related to the manufacturing resources) and item information including a references to an algorithm to determine a quantity of the item for a project (column 3 line 50 – column 4, line 33 – the method provides a projection of demand on manufacturing resources; column 8, lines 41-51 – the method uses a smoothing process that comprises a computer and software programming an algorithm for smoothing the demand for the resources for a product over time). Gleditsch et al does not explicitly teach the use of tables for storing information to determine future demand. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using predetermined formulas and algorithms. The use of Microsoft Excel

Art Unit: 3623

spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

As per **claim 17**, Gleditsch et al teaches, determining a project type of the project, the method further comprising, determining the item needed according to the project type of the project (column 4, lines 20-33 – the database stores predefined parameters in connection with each project for allocation of resources; column 3 line 50 – column 4, line 33 – method to determines daily demand for manufacturing resources based on customer orders and predefined parameters related to the manufacturing resources). Gleditsch et al does not explicitly teach the use of tables for storing information to determine future demand. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using predetermined formulas and algorithms. The use of Microsoft Excel spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

As per **claim 18**, Gleditsch et al teaches, determining which milestone is employed to calculate the date on which the item is required; determining the date in the project table that is the actual milestone date; obtaining such actual milestone date; and applying the actual milestone date to calculate the date on which the item is required (column 3, lines 61-67 – calculates when certain amounts of materials or other resources will be needed based on orders and determines the date when the materials need to be purchased from the supplier). Gleditsch et al does not

Art Unit: 3623

explicitly teach the use of tables for storing information to determine future demand. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using predetermined formulas and algorithms. The use of Microsoft Excel spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

As per **claim 19**, Gleditsch et al teaches from the items table, determining a supplier of the needed item; from the supplier table, obtaining lead-time information for supplying the item; and calculating an order date based on an item requirement date and the lead-time information (column 4, lines 20-33 – the computer system is linked to the suppliers for generating purchasing orders for more materials). Gleditsch et al does not explicitly teach the use of tables for storing information to determine future demand. However, it is old and well known in the art of data management to organize data into tables using programs such as Microsoft Excel. Since Gleditsch et al teaches the use of a database to store data, it would have been obvious to one of ordinary skill in the art at the time of the invention to organize the collected data into tables such as Microsoft Excel spreadsheets wherein each cell representing specific data can be linked to other cells for calculations using predetermined formulas and algorithms. The use of Microsoft Excel spreadsheets within Gleditsch et al's system as a way to keep the data organized in an efficient, user-friendly manner.

Art Unit: 3623

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-4566.

The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS
3/30/05


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800